

REMARKS

Claims 1-27 are pending and under consideration in the above-identified application. In the Office Action of August 1, 2008, claims 1-27 were rejected.

With this Amendment, claims 1, 2, 12 and 13 are amended. Accordingly, claims 1-27 are at issue.

I. 35 U.S.C. § 102 Anticipation Rejection of Claims and 103 Obviousness Rejection of Claims

Claims 1-22, 26 and 27 were rejected under 35 U.S.C. § 102(b) as being anticipated by or under 35 U.S.C. § 103(a) as being unpatentable over *Tamura* (U.S. Publication No. 2002-0168572) ("*Tamura*").

Claims 23-25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Tamura* (U.S. Publication No. 2002-0168572 as applied to claim 13 and in view of *Morishima* (U.S. Publication No. 2003-0054253). Applicants respectfully traverse these rejections.

In relevant part, each of the independent claims 1, 2, 12 and 13 recite the thin film layer of a battery comprises several layers and the layer in contact with the active material layer is made of a material which alloys with silicon or germanium and the other layers are made of one or more materials different than that of the layer in contact with the active material layer.

This is clearly unlike *Tamura*, which fails to disclose the thin film layer of a battery comprises several layers and the layer in contact with the active material layer is made of a material which alloys with silicon or germanium and the other layers are made of one or more materials different than that of the layer in contact with the active material layer. Instead, *Tamura* discloses a surface coating layer made entirely of copper with a thickness ranging from .05 to .02 μm . See U.S. Pat. Pub. 2002/0168572 Para. [0042-[0047]. Further, nowhere does

Tamura disclose or even suggest a multilayered thin film layer much less a multilayer thin film layer with one layer made of a material which alloys with silicon or germanium.

Morishima, similarly, fails to disclose the thin film layer of a battery being composed of several layers with the layer in contact with the active material layer being made of a material which alloys with silicon or germanium and the other layers being made from a different material. Instead, *Morishima* discloses a separator layer which is impregnated with electrolytic solution. See, U.S. Pat. Pub. No. 2003-0054253, Para [0106]. Further, nowhere does *Morishima* disclose a multilayer thin film layer, much less one of the layers of the thin film alloying with silicon or germanium.

As the Applicants' specification teaches, by providing the thin film layer of a battery comprising several layers with the layer in contact with the active material layer being made of a material which alloys with silicon or germanium and the other layers being made of one or more materials different than that of the layer in contact with the active layer, separation of the active material layer from the thin film layer is prevented and the cycle characteristics of the battery are improved. See, U.S. Pat. Pub. No. 2004/0234861, Paras. [0031]-[0036].

Therefore, because *Tamura*, *Morishima* and any combination of them fails to disclose, or even fairly suggest, every feature of claims 1, 2, 12 and 13, the rejection of claims 1, 2, 12 and 13 cannot stand. Because claims 3-11 and 14-27 depend either directly or indirectly from claims 1, 2, 12 and 13, they are allowable for at least the same reasons.

II. Conclusion

In view of the above amendments and remarks, Applicant submits that all claims are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

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